

THE STATE BAR OF CALIFORNIA LONG-RANGE STRATEGIC PLAN



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INTRODUCTION AND ACKNOWLEDGEMENTS

The State Bar is committed to effectively and efficiently discharging its duties and providing high quality services that support the fair administration of justice in California. To meet these broad and vital justice system responsibilities, the State Bar has committed to engaging in an ongoing strategic planning process that will help it meet its important public service goals and thereby create its desired future. The Board of Governors adopted its Strategic Plan to guide its operations while putting in place a comprehensive, broadly participatory, and ongoing planning process that will position the State Bar for success in the future.

In 2003-2004, under the leadership of the President of The State Bar of California ("State Bar"), Anthony P. Capozzi, the Board of Governors focused on institutionalizing its strategic planning process, adopting needed planning policies and holding a series of issue meetings to develop performance measures related to the Board's strategic plan adopted in August 2002. The Board of Governors wishes to thank all members of the Board, past and present, State Bar staff and invited guests, all members of the bar and the public who participated in the discussions and took the time to provide comments and suggestions that gave rise to the contents of this Strategic Plan. A full history of the State Bar's strategic planning efforts and the most recent list of participants are chronicled in Appendices I and II.

The Board also wishes to acknowledge the professional assistance of Doug Eadie, *Doug Eadie Presents*, for designing and conducting the Board's initial 2001 Strategic Work Session. The Board further wishes to acknowledge the professional assistance of Shelley M. Stump, J.D., *Coyote Moon Consulting*, for synthesizing the State Bar's initial planning session information into the *Interim Strategic Plan*, completing the 2002 final Strategic Plan, developing the State Bar's ongoing strategic planning policies and process, assisting the Board in developing the performance measures for its plan, and for documenting the changes included in this Long-Range Strategic Plan.

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STATE BAR OVERVIEW

BACKGROUND.

The State Bar of California (“State Bar”) is a statutory public corporation in the judicial branch of government charged with the responsibility of regulating the legal profession as provided in Article VI, Section 9 of the California Constitution and section 6000 et seq. of the California Business and Professions Code. As a “unified” State Bar, it “unifies” both the regulatory licensing activities applicable to the practice of law as well as the association activities of a professional association. In a unified bar, “membership” is mandatory for all attorneys who must pay membership or licensing fees to maintain their licenses to practice law.

Since its statutory creation in 1927, the State Bar of California has worked to shape the development of the law, regulate the professional conduct of the State’s attorneys, enhance the administration of justice, and provide high quality membership services and benefits to attorneys in California.

CHANGES IN THE STATE BAR’S ENVIRONMENT.

Unexpected Environmental Changes. In 1997 the State Bar’s very existence was threatened by an unexpectedly changing political climate. That significant environmental change took the form of a gubernatorial veto of the membership dues bill that resulted in the virtual elimination of the State Bar’s disciplinary system and the layoff of most of its personnel. The political climate has since changed and the State Bar is once again funded pursuant to its membership dues bill approved by the Legislature and the Governor. Since 1998, this public corporation has been rebuilding and carefully assessing its current and future environments to ensure its continued vital role in the administration of justice in California and its ability to demonstrate and account for the resources needed to fulfill that role.

Changing State Bar Membership. A key planning function for the State Bar is the identification of issues and trends affecting the future of the profession and the administration of justice. One example of such trends is the changing demographics of the population at large as well as the drift of the aging curve upward among bar membership. There may be many implications to such trends including, for example, changes in competency strategies, need for different membership benefits and support, and the desirability of attracting a younger and more diverse membership population to serve the needs of the wider community. In May 2001 the State Bar commissioned a survey of its membership to provide up-to-date information that can be used for many purposes to ensure the delivery of

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services that meet members needs.¹ The demographic results identified in that survey, when compared with a similar survey conducted in 1991, show how the membership of the State Bar has changed in recent years. Generally, the diversity of State Bar membership is increasing and the age of State Bar membership has increased considerably.

*Table 1: Demographic Makeup of the California State Bar 1991 – 2001
By Ethnic/Racial Background, Gender, and Sexual Orientation*

Ethnic/Racial Background	1991	2001
White	91%	83%
Asian	3%	6%
Latino/Hispanic	3%	3.7%
African American	2%	2.4%
Gender		
Male	74%	68%
Female	26%	32%
Sexual Orientation		
Heterosexual	97%	97.6%
LGBT	3%	2.4% ²

Table 2: Age Breakdown of California State Bar 1991 – 2001

	<u>1991</u>	<u>2001</u>
Under 35 Years	24%	24%
35 – 39 Years	20%	12%
40 – 44 Years	21%	13%
45 – 54 Years	21%	28%
55+ Years	14%	24%

¹ See California Bar Journal Survey, Final Report, Richard Hertz Consulting, September 10, 2001.

² In the 2001 1.3% said they were gay, .8% lesbian, .2% bisexual and .1% transgender.

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Additional information identified in the 2001 membership survey describes the distribution of membership related to numbers in private practice, average income, working characteristics such as Internet usage, and level of participation in State Bar member services such as continuing legal education, the State Bar Ethics Hotline, and insurance programs. This membership survey information was considered in developing and refining the State Bar's strategic and operational plans. Additional methods for regularly obtaining information regarding the State Bar's membership for planning purposes are being developed.

The current environment in which the State Bar is operating described above, sets the stage for the contents of the State Bar's Long-Range Strategic Plan that follows.

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VISION

Values Statement: The State Bar believes in:

Serving the Administration of Justice

- The Independence of the Judiciary as the Third Branch of Government
- Equal Access to Justice
- Civility and Professionalism

Serving the Public

- Helping Attorneys Better Serve Their Clients
- Protection of the Public
- Public Service Through Pro Bono Representation

Serving Attorneys

- Effective Self-Governance
- Diversity and Broad Participation in Bar Membership and Leadership
- Fiscal Responsibility
- Protection of the Legal Profession by Ensuring the Highest Levels of Competency

Vision Statement: As a result of the State Bar's efforts:

The public will have greater respect for both the legal profession and the State Bar of California. The public will enjoy greater access to legal services. Lawyers will be better prepared to practice law and less in need of professional discipline. When and where needed, the discipline system will protect the public in a fair and even-handed way and the public will be protected through a comprehensive system of malpractice insurance.

The legal system will reflect the diversity of the State and that diversity will be encouraged through a bar exam that provides equal access to admission to the profession. The courts will be seen as fair and judges will make their case decisions with impartiality and independent from external influence.

The State Bar will be effectively and efficiently governed and operated. As a non-partisan organization, it will demonstrate high levels of credibility and will enjoy excellent and productive working relationships with the Supreme Court, the Judicial Council of California, the Legislature, the Governor, and all members of the State Bar Family.

MISSION

The purpose of the State Bar of California is to preserve and improve our justice system to assure a free and just society under law.

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LONG-RANGE ISSUE 1. ATTORNEY ADMISSION, REGULATION, AND DISCIPLINE

Issue Description: The State Bar of California is entrusted with one of the most important aspects of ensuring the effective and efficient operation of the justice system: self-regulation of the practice of law. The purpose of self-regulation is to ensure that the public is protected by receiving legal services from individuals who abide by the highest levels of competence and ethical standards.

Historically, self-regulation has included setting and enforcing standards for admission to practice law, regulating the unauthorized practice of law, and disciplining attorneys who violate rules of conduct.

Fulfilling these mandated regulatory functions presents many challenges as the world and the practice of law continually change. For example, as the population of California continues to become more diverse, public trust and confidence in the justice system is often tied to whether members of the profession reflect the diversity of the people served.

Another significant change in the profession's environment is the "globalization" of the economy and mobility of people. As people and businesses continue to move freely among states and internationally, effective representation of clients often requires the ability for attorneys to practice in more than one jurisdiction. These mobility issues pose challenges for the State Bar in regulating both admission and the conduct of attorneys from other jurisdictions.

As the numbers of self-represented litigants increases, the numbers of non-attorney legal service providers also continues to increase. These service providers include not only paralegals and legal assistants working in law firms under the supervision of attorneys, but they also include legal document publishers and other organizations that are assisting self-represented litigants in completing documents for litigation, estate planning, and other legal purposes. The State Bar faces the challenge of balancing its duties to protect the public from the unauthorized practice of law while ensuring that self-represented litigants have access to services and information they need to effectively use the justice system.

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LONG-RANGE ISSUE 1. ATTORNEY ADMISSION, REGULATION, AND DISCIPLINE

GOAL AND STRATEGIES

Goal 1. The public is protected and served by attorneys and other legal service providers that meet the highest standards of competency and ethics.

- Strategies:**
- 1.1 ***Diversity of Bar Membership.*** Encourage individuals of diverse populations to seek and qualify for admission to the practice of law in California, and, once admitted, to remain in active practice.
 - 1.2 ***Admissions.*** Ensure that the admissions process fairly and accurately assesses the moral character, the substantive knowledge, and legal practice skills of all applicants for admission to the practice of law in California
 - 1.3 ***Law School Communication and Collaboration.*** Ensure communication with law schools regarding issues and information important to the preparation of law students for the competent practice of law.
 - 1.4 ***Competence and Ethical Standards.*** Ensure the highest levels of competency and ethics of all attorneys and others regulated by the State Bar.
 - 1.5 ***Public Protection Through Attorney Discipline.*** Simplify and streamline the process of attorney discipline with a focus on efficiency and effectiveness in prevention, intervention, and enforcement.
 - 1.6 ***Paraprofessionals and the Unauthorized Practice of Law.*** Address ways in which non-attorney legal service providers should be monitored or regulated to ensure non-lawyer practitioners are in compliance with relevant statutes and unscrupulous and unlawful non-lawyer practitioners do not harm consumers.

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- 1.7 ***Multi-jurisdictional Practice.*** Keep California attorneys at a competitive advantage with attorneys from other jurisdictions while recognizing the changing multi-jurisdictional environment in which attorneys and their clients operate today.

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LONG-RANGE ISSUE 2. MEMBER SERVICES

Issue Description: The unified State Bar exists both to protect the public through the regulation of the practice of law, and to serve as a professional association to support the professional development of its members. Professional development includes all aspects of the practice of law facing individual attorneys, as well as “quality of life” issues that affect the profession as a whole.

Guiding and operating a professional association of the size and diversity of the State Bar presents enormous challenges. To be effective and relevant in its professional association role, the State Bar must ensure that members’ needs and perspectives are routinely identified and considered as member services are designed and offered. The State Bar must also exercise leadership by providing services that help its members understand and meet standards of competency, civility, and professionalism to ensure the highest quality of legal services are provided to the public. To encourage member participation and satisfaction, “benefits” offered to members must be responsive to member business and personal needs.

As a unified bar, membership is mandatory and fees paid by members underwrite the costs of State Bar activities. Within the last decade the Bar has been challenged to comply with legal decisions and a variety of member perspectives regarding the use of funds and the types of activities and services participated in and offered by the State Bar. In response to those circumstances, the Bar has restructured the use of member fees to underwrite the costs of attorney education, regulation, and discipline by the Bar. The Bar has also created a process for receiving voluntary contributions from members to support other bar activities, and member benefits such as different types of insurance offered as separate cost items to members. Currently, among members, there exists a wide variety of levels of participation in bar activities and use of member services.

Failure to provide services responsive to member needs places the State Bar at risk of losing the support of its members and its leadership position for the bar as a whole. Failure to provide the services that support the competency, civility, and professionalism of attorneys, places the State Bar at risk with the public and the other branches of government. By balancing the purpose and nature of services provided to its members, the State Bar can effectively fulfill both its public protection and professional association roles.

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LONG-RANGE ISSUE 2. MEMBER SERVICES

GOAL AND STRATEGIES

Goal 2. The State Bar provides a wide array of services and benefits to members that meet their professional development, business, and personal needs.

- Strategies:**
- 2.1 ***Member Benefits and Services.*** Based on information from the members, regularly identify and offer enhanced member benefits and services that are responsive to member needs, such as professional and personal insurance, financial planning, law office skills and other benefits and services.
 - 2.2 ***Professional Development Services.*** Seek ways to improve and inform members about professional development opportunities and services, including continuing legal education (MCLE), the Ethics Hotline, Alternative Dispute Resolution, Fee Arbitration and Lawyer Assistance programs.
 - 2.3 ***Communications with Members.*** Use technology to improve the quality and quantity of methods for receiving information from and providing information to members and member groups.

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LONG-RANGE ISSUE 3. EQUAL ACCESS TO JUSTICE

Issue Description: One of the core principles of our democracy is access to justice for all people. Assuring equal access to justice for all people in California is a cornerstone to insuring the continued vibrancy and efficacy of the judicial branch of government in the State.

As our society has evolved and changed in recent years, access to legal representation and the courts has become increasingly limited. Greater numbers of people are unable, or in some instances unwilling, to seek the assistance of attorneys in protecting and fulfilling their legal rights and responsibilities. For many, the cost of legal representation makes seeking attorney assistance impossible. For others, the increase in non-attorney provided legal resources leads some to believe they can effectively represent themselves. For others still, unfamiliarity with our legal system and language barriers limit access to justice.

Although providing no or low cost representation to individuals needing legal assistance historically is part of individual attorneys' ethical obligations, the numbers of attorneys able and willing to provide such services has not kept pace with the increasing numbers of litigants needing such assistance. Additionally, federal financial support for the provision of low or no cost legal services has dwindled significantly over the last decade. Now supplementing those decreasing legal services are private self-help legal clinics and "legal technician" service providers that are not attorneys, and, therefore, are not subject to the strict professional requirements that attorneys must meet.

The increase in numbers of self-represented litigants also affects the courts' ability to handle and dispose of cases, which, in turn, often adversely affects the timeliness of the handling of cases in which litigants are represented by counsel. Many of those businesses and individuals then turn to the use of private judging to provide timely access to justice for resolution of their civil disputes. The exodus of complex and business civil litigation from the public court system is creating the appearance of a dual system of justice and is limiting the setting of legal precedent that can affect the resolution and outcome of future cases and the protection of the public.

In recent years significant progress has been made toward increasing the availability of legal services to low and moderate income Californians. Major steps include new state funding for legal services, and the establishment of self-help centers in every county. This progress was possible, in large part, because of the active support of the Chief Justice of California, as well as the State Bar, local bars, local courts, and the dedication of the staff and board of legal services

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programs. Thanks to the creation of the Equal Access Fund, the first state appropriation for legal services made by the State of California, there is still a strong, coordinated system of delivering legal services to the poor through nonprofit legal service organizations. These organizations, one hundred of which are funded by the State Bar's Legal Services Trust Fund Program, provide services in every county to thousands of people every year. Additionally, the Legislature has recently enacted statutes designed to provide some quality control and minimum requirements of nonlawyer service providers.

Despite recent significant achievements, overall funding for legal services continues to be inadequate and questions remain about quality of services provided by nonlawyers. Although the legal services delivery system is still a very important source of legal assistance, many are still forced to turn to the network of nonlawyer providers or to represent themselves because the current system lacks adequate resources to help all the people needing services. We are still a long way from achieving our goal of equal access to justice because the system still cannot meet the need, and the increasing numbers of poor people as well as the lagging economy pose major continuing challenges.

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LONG-RANGE ISSUE 3. EQUAL ACCESS TO JUSTICE

GOAL AND STRATEGIES

Goal 3. All people have access to high quality legal services regardless of financial or other circumstances.

- Strategies:**
- 3.1 ***Pro Bono Representation.*** Encourage increased numbers of practitioners and amounts of time contributed through *pro bono* representation provided by individual private and public attorneys.
 - 3.2 ***Resources for Low/No Cost Legal Service Providers.*** Advocate for increased funding and other resources for no and low cost legal service providers (“LSP programs”).
 - 3.3 ***Collaborative Education.*** Collaborate with the Judicial Council of California, local bar associations, county courts, law libraries, other law-related professionals, community agencies and educators to actively inform the public about the role and operation of the justice system, how they can protect their rights and fulfill their obligations, and what resources exist to help them.
 - 3.4 ***Alternative Dispute Resolution.*** Support the appropriate use of alternative dispute resolution processes, particularly mediation, and actively participate in the providing of those alternatives to all court users including self-represented litigants.
 - 3.5 ***Limited Scope Representation Legal Services.*** Identify ways in which attorneys can appropriately provide “unbundled” legal services to provide limited and specific services to litigants without undertaking full case representation.
 - 3.6 ***Court Access and Services for Self-Represented Litigants.*** Work collaboratively with the Judicial Council of California to implement a statewide action plan to improve court access and services for self-represented litigants.

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- 3.7 ***Administration of Funding for Legal Services.*** Effectively administer and distribute funding through the Interest on Lawyer Trust Accounts program and the Equal Access Fund to maintain and increase the availability of legal services for indigent persons statewide.
- 3.8 ***Indigent Criminal Defense.*** Assist the courts to assure that defense programs maintain and increase quality representation for indigent criminal defendants.

LONG-RANGE ISSUE 4. STAKEHOLDER RELATIONS

Issue Description: The State Bar is a complex organization that has many important individuals and groups that are affected by the organization's activities. Some of these stakeholders are "internal" such as its membership and member groups. Others are "external" such as the public, the judiciary, and the legislative and executive branches of government. The nature of the State Bar's relationships with each of these "stakeholders" varies according to its purpose.

Clearly, one of the State Bar's key external stakeholder groups is the clients that attorneys represent – from individual clients, to business entities, to public agencies. For all those receiving legal services from attorneys, the State Bar plays a fiduciary role by assuring the quality of legal services available through its admissions, regulation and discipline functions.

Other key external stakeholder relationships involve the other branches of government. The Legislature presents an important and complex stakeholder relationship for the State Bar. The Legislature directly controls the State Bar's ability to obtain resources necessary to support its operations and holds the State Bar accountable for the regulation of the legal profession and the protection of the public with respect to the practice of law and the provision of legal services. The Bar also plays an important role in analyzing and commenting on legislation relating to the administration of justice, and in providing technical assistance on legislation, thereby helping the Legislature effectively fulfill its responsibilities. The State Bar's relationship with the Governor and agencies within the executive branch of government includes elements similar to those with the Legislature. The Bar's relationship with the Governor also includes the critical role it plays in evaluating the Governor's candidates for judicial appointment.

One of the key internal/external stakeholders is the judiciary. Again, relationships with this stakeholder are multi-faceted. These relationships range from the competency of attorneys who practice in individual courts, to the Supreme Court related to the attorney discipline function, to the Judicial Council of California related to policy and rule setting functions that affect the overall administration of justice.

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Other primary internal stakeholders include not only individual members, but also professional groups such as the Legal Practice Sections, and local bar associations, specialty bars, which focus on issues affecting the profession as a whole, and the Conference of Delegates of California Bar Associations (CDCBA). These are also key relationships because the quality of the relationships between the State Bar and its members and member groups directly affects the State Bar's relations with the other branches of government and even the public's perception of the State Bar.

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LONG-RANGE ISSUE 4. STAKEHOLDER RELATIONS

GOAL AND STRATEGIES

Goal 4. The State Bar fulfills its mission through effective and supportive relationships with all stakeholders.

- Strategies:**
- 4.1 ***Develop Relationships with Members, Member Groups, and Other Stakeholders.*** Clearly identify roles and responsibilities of all member groups that form the State Bar of California, including committees, commissions, and other stakeholders that interact with the State Bar, including the Conference of Delegates, Legal Practice Sections, local bar associations, the Foundation of the State Bar, and other law related organizations to develop supportive collaborative relationships to assist all parts of the organization in successfully fulfilling their roles.
 - 4.2 ***Court/Bar Collaboration.*** Actively encourage and support member participation in bench-bar efforts to improve the administration of justice and access to the legal system for low and moderate income Californians.
 - 4.3 ***Public Information.*** Actively inform the public, members, and all key stakeholders about the effective operation and activities of the State Bar and its members through the use of technology, written materials and in-person communication, and seek input from stakeholders about the operation and activities of the Bar.
 - 4.4 ***Media Relations.*** Cultivate positive working relationships with the media to help get complete and accurate information to the public about the quality of services provided by attorney members and the important role played by the State Bar in the administration of justice.
 - 4.5 ***Intergovernmental Relations.*** Cultivate positive working relationships between the State Bar and the Legislature and the Executive Branch.
 - 4.6 ***Supreme Court and State Bar Relations.*** Maintain the positive working relationship between the Supreme Court and the State Bar.

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LONG-RANGE ISSUE 5. LEADERSHIP AND ACCOUNTABILITY

Issue Description: As the fabric that holds our communities together peacefully, there is no more important calling than to be in service to justice. The State Bar of California, as a public corporation and a unified bar, is looked to for the highest levels of leadership in the administration of justice for the people of California. The State Bar of California is the largest unified bar in the United States. From its birth in 1927 to date, the State Bar has grown to an organization with a membership well over 150,000. The society in which the State Bar was created has also significantly changed and continually poses significant challenges related to the operation of the justice system, the independence of the judiciary, the governance of the State Bar, and, ultimately, the rule of law in a civil society. Leadership in this context means focusing on the quality of services provided to the public, the independence of the justice system as the third branch of government, and accountability for the use of public resources.

To provide leadership in each of those areas requires all parts of the organization known as the State Bar – including the Board of Governors, State Bar staff, Board Advisory Committees, the Conference of Delegates, the Sections, local bar associations and others – to work together to address current and future challenges. To be effective in the 21st century, all parts of the State Bar need to work together toward a common vision to find collaborative solutions for the many challenges facing our communities, the justice system, and the legal profession.

Leadership and accountability also mean being able to demonstrate the value that the organization has created – in real world terms – in relation to the resources used to create that value. Demonstrating that value is a key to successful advocacy for resources with members and others who support the work of the State Bar. Demonstrating that value also inspires others to be of service and to contribute their leadership to ensure the guarantees of the Constitution and our democracy.

Being able to demonstrate value requires a two-way exchange: (1) the State Bar must provide relevant information about services provided and results obtained, and (2) those who receive and consider that information should be knowledgeable about the justice system and the legal profession. To obtain that information leaders are willing to assess how effectively the organization is performing and to make adjustments to the governance structure and operations as needed to respond to current and future challenges. To ensure a knowledgeable public, leaders need to reach out to educate and inform.

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LONG-RANGE ISSUE 5. LEADERSHIP AND ACCOUNTABILITY

GOAL AND STRATEGIES

Goal 5. The State Bar is recognized and respected as a contributing and accountable leader in improving the administration of justice and ensuring the rule of law in our civil society.

- Strategies:**
- 5.1 **Governance.** Improve the efficiency and accountability of the Board of Governors as it sets policy, carries out its regulatory duties, and gives direction to staff and bar committees.
 - 5.2 **Strategic Planning.** Engage in a broadly based, participatory, and ongoing strategic planning process to identify current and future challenges and responses to those challenges.
 - 5.3 **Account for and Obtain Resources.** Effectively account for the use of, advocate for, and obtain resources needed to fulfill the State Bar's mission using timely, accurate, and relevant information that demonstrates the cost effectiveness of State Bar services and activities.
 - 5.4 **Participation and Leadership Development.** Encourage increased participation in State Bar activities and identify opportunities to inspire diversity in leadership in all members of the bar.
 - 5.5 **The Administration of Justice.** Enhance opportunities for and encourage attorney participation in state and local justice system policy setting activities, including the development, consideration, and support or opposition to rules of court and legislation affecting the practice of law.

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LONG-RANGE ISSUE 6. TECHNOLOGY

Issue Description: Since 1985, the State Bar has developed a series of technology plans focused on the need to effectively use technology in the delivery of its services. The 1985 Technology Plan — primarily prompted by and focused on better management of disciplinary cases — outlined the steps over a three-year period to develop systems for membership, discipline, the legal trust fund, and financial operations. From 1985 – 1995, by implementing the plan while maximizing other technological opportunities, the State Bar developed customized computer systems for basic record-keeping and operations for discipline, member records, member billing, Legal Services Trust Fund accounting, admissions, Legal Specialization certification, MCLE compliance, and meeting registration; purchased software to support State Bar financial and Human Resources operations; installed coordinated internal telephone systems; and replaced obsolete computers with personal computers.

The 1995 Technology Plan continued with implementation of certain parts of the 1985 plan by including completion of a custom-designed system for Admissions and Certification as well as an upgrade of the financial system. However, the 1995 technology plan significantly modified the 1985 blueprint by delineating a strategy for introducing local area networks (LANs) to greatly increase the range of computing possibilities shared through centralized PC servers. The 1995 plan also identified prospectively beneficial new technologies. Implementing many of those “new” technologies from 1995 to 2001, the State Bar installed local area networks (LANs), introduced LAN email, added voicemail capabilities to the telephone system, inaugurated its website, and installed video conferencing capabilities.

Two ancillary plans, the 1999 Management Advisors, Inc. (“MAI”) ³ report and the 2000 Report of Special Master Elwood Lui (Ret.) (“Special Master’s Report”) ⁴ looked, respectively, at the technology needs of the State Bar at the time of shutdown and as a course for the State Bar’s future following refunding. The MAI report identified problems with existing technology and internal computer support that formed the basis for recommending interconnection of LANs statewide; greater use of Internet and Intranet capabilities; use of document management technology; better tools to manage the entire discipline process; enhancements to membership management system; more functional and better integrated systems for finances, payroll, and human resources; and purchase of

³ The Board of Governors did not adopt the plan contained in the MAI report because it was based upon limited available information from a small number of staff that had not been laid off due to the veto.

⁴ The Hon. Elwood Lui (Ret.) was appointed Special Master by the Supreme Court in 1998 to supervise and oversee collection, disbursement, and allocation of member fees mandated by the court to maintain and operate the attorney discipline system following the veto.

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software applications rather than internal development. The report also recommended reorganization of the Computer Services Department to enhance efficiency and quality of services and renaming it Information Technology to better characterize its scope of responsibilities.

Significantly, in 2000 the Special Master's Report primarily focused on technology improvements to support the State Bar's structure and operations. The Special Master authorized use of existing funding for hardware and software upgrades recommended in the MAI report and urged completion of all MAI recommendations. Technology improvements during the Special Master's tenure included upgrading PCs, updating word processing, updating systems, improving network and internet connections, upgrading voicemail, and enhancing the discipline system. Each of the four additional steps recommended by the Special Master has been or is in the process of being implemented. These steps include reorganization and strengthening of Information Systems department, establishing a fund to routinely maintain and update computer hardware and software; creating problem solving technology positions in each department, using contract services in conjunction with State Bar personnel to maintain and expanding State Bar's website and online services. Current technology projects involve the use of existing funds for maintenance and modernization of State Bar technology per the Special Master's final recommendation.

The next step in the evolution of the State Bar's technology planning is the opportunity to recognize technology as a key element in the long-range future of the State Bar. Based on what has been learned from implementing past plans, the broad strategies articulated here recognize future constraints, and establish new directions needed to support the Board in achieving the other parts of its long-range vision. By including technology as part of its overall strategic plan, the State Bar: (1) recognizes that technology must focus comprehensively on serving the State Bar's larger strategic and business objectives, (2) ensures important periodic reassessment of changing technology and stakeholder environments, and (3) emphasizes achieving solutions that are comprehensive, flexible and measurable in their benefits.

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Long-Range Issue 6. Technology

GOAL AND STRATEGIES

Goal 6. The State Bar uses technology effectively and efficiently to support all aspects of its operations, facilitate communication, and enhance the administration of justice in California.

- Strategies:**
- 6.1 ***Information Technology Capacity and Planning.*** Effectively support the State Bar's technology infrastructure and systems development and integration processes to maximize services to internal and external customers.
 - 6.2 ***Quality Services for Members and the Public.*** Use technology to enhance the quality and efficiency of direct services provided to State Bar membership and the public.
 - 6.3 ***Enhanced Management Efficiency.*** Implement technology that allows employees to manage routine work with maximum efficiency.

APPENDIX I

HISTORY OF STATE BAR STRATEGIC PLANNING EFFORTS

20th Century Strategic and Futures Planning. The State Bar has engaged in a series of planning efforts throughout its history. Over the last decade of the 20th Century, the State Bar adopted a “Strategic Action Plan” for 1991-1995, while at the same time establishing and receiving a report from the *Commission on the Future of the Legal Profession and the State Bar* in 1994. Those planning efforts took place during a time of economic challenge for the State and serious concerns about the future of the profession. Those planning efforts identified many strategic issues facing the legal profession and the State Bar, some of which are still applicable today.

21st Century Strategic Planning - Adoption of Interim Strategic Plan and Institutionalizing State Bar Strategic Planning.

In 2001 the Board of Governors’ undertook a comprehensive strategic planning and governance reorganization effort to help the State Bar more effectively meet the expectations of the public, its members, other justice system partners, and other branches of government.

The issues, goals and strategies contained in this Strategic Plan were developed from prior planning documents, as well as from planning discussions held by the Board of Governors at its August 2001 Strategic Work Session, which resulted in the adoption of an *Interim* Strategic Plan in January 2002. To finalize the *Interim* plan, the Board considered proposed changes from Board and committee members at its May 2002 Strategic Work Session, then circulated the *Interim* Strategic Plan for public comment and incorporated final changes.

In 2003-2004, the Board of Governors focused on institutionalizing its strategic planning process, adopting needed planning policies and holding a series of issue meetings to develop performance measures related to the Board’s strategic plan adopted in August 2002. Participants in those issues meetings included members of the State Bar Board of Governors, specially invited guests, and State Bar staff. The Issues Meetings related to each goal area in the strategic plan were held as follows:

Issue Meeting I: Goal 3. Access to Justice – Fri., February 27, 2004

Issue Meeting II: Goal 4. Stakeholder Relations – Thurs., March 4, 2004

Issue Meeting III: Goal 2. Member Services – Fri., April 2, 2004

Issue Meeting IV: Goal 6. Technology – Thurs., April 7, 2004

Issue Meeting V: Goal 5. Leadership and Accountability – Tue., June 22, 2004

Issue Meeting VI: Goal 1. Attorney Admission, Regulation and Discipline – Tue., June 29, 2004

THE STATE BAR OF CALIFORNIA LONG-RANGE STRATEGIC PLAN

As a result of the discussions held at these issue meetings, amendments/ refinements to the original strategic plan were identified. These suggested changes to the Strategic Plan were presented to the Board for approval over a series of regular business meetings in 2004. At its September 8, 2004, regular business meeting, the Board approved and adopted as a whole this revised strategic plan, planning policies, and comprehensive performance measures to help ensure implementation of this plan.

The Board has also adopted an ongoing planning process that establishes ways in which the Board will continually seek and consider input from its many stakeholders, environmental trends, and other information needed to effectively and continuously improve services for the public, attorneys, and its justice system partners to ensure the continued improvement of the administration of justice in California.

The planning process also includes the development of periodic Operational and Annual Action Plans with State Bar staff and advisory committees to ensure that operational objectives and desired outcomes are met in achieving the Board of Governors' long-term goals.

Appendix II

Issue Meeting Participants by Meeting

Goal 3. Access to Justice
February 27, 2004 Issue Meeting Participants

- **Anthony P. Capozzi**, President, Board of Governors
- **Susana Convery**, Chair-Elect, Committee on Senior Lawyers
- **Phyllis Culp**, Director, Office of Certification
- **Jeffrey Erdman**, Chair, Committee on Sexual Orientation & Gender Identity Discrimination
- **Judy Garlow**, Director, Legal Services Trust Fund Program
- **Sharon L. Hartmann**, Chair, Committee on Women in the Law
- **Bonnie Hough**, Vice Chair, Standing Committee on the Delivery of Legal Services
- **Judy Johnson**, Executive Director
- **Vivian L. Kral**, Board of Governors
- **Hon. James R. Lambden**, Chair, State Courts Committee, Access Commission
- **Patricia Lee**, Director, Legal Services, Access & Fairness Programs
- **Rodney Low**, Legal Services, Access & Fairness Programs
- **Roderick A. McLeod**, Board of Governors
- **Sharon Ngim**, Legal Services, Access & Fairness Programs
- **Kate O'Connor**, Legal Services, Access & Fairness Programs
- **Russell Roeca**, Board of Governors
- **Billie Sivanov**, Director, Commission on Judicial Nominees Evaluation & Appointments
- **Joe Teglovic**, Advisor, Committee on Legal Professionals with Disabilities
- **Paul Tepper**, Chair, Legal Services Trust Fund Commission
- **Mary Viviano**, Director, Legal Services Outreach
- **Mary Yen**, Staff Attorney, Certification
- **Larry Yee**, Chief Assistant General Counsel

Goal 4. Stakeholder Relations
March 4, 2004 Issue Meeting Participants

- **Saul Bercovitch**, Staff Attorney, Administration of Justice Committees
- **EJ Bernacki**, Public Information Officer, Media & Information Services
- **Eric M. Brooks**, Ethnic Minority Relations Committee
- **Anthony P. Capozzi**, President, Board of Governors
- **Richard Carlton**, Deputy Director, Lawyer Assistance Program
- **Richard Crabtree**, Board of Governors
- **Dena M. Cruz**, Sections Task Force
- **Phyllis Culp**, Director, Office of Certification
- **Larry Doyle**, Chief Legislative Counsel, Office of Governmental Affairs
- **Rod Fong**, Legal Services, Access & Fairness Programs
- **Sharon L. Hartmann**, Chair, Committee on Women in the Law
- **Tricia Horan**, Manager, Section Education & Meeting Services
- **Judy Johnson**, Executive Director
- **Helen Karr**, Public Outreach Consultant
- **Dean Kinley**, Director, Media & Information Services
- **Vivian L. Kral**, Board of Governors
- **Patricia Lee**, Director, Legal Services, Access & Fairness Programs
- **Rodney Low**, Legal Services, Access & Fairness Programs
- **Maralee MacDonald**, President-Elect, California Young Lawyers Association
- **Carol Madeja**, Director, Bar Relations
- **Abbe McCall**, Chair, Commission on Judicial Nominees Evaluation
- **Roderick A. McLeod**, Board of Governors
- **Peter Meyerhoff**, Committee on Legal Professionals with Disabilities
- **Joel S. Miliband**, Board of Governors
- **Virginia S. Mueller**, Chair, Committee On Senior Lawyers
- **Sharon Ngim**, Legal Services, Access & Fairness Programs
- **Kate O'Connor**, Legal Services, Access & Fairness Programs
- **Russell Roeca**, Board of Governors
- **Winnie O. Scott**, Board of Governors
- **Joyce Shimetz**, Director, Sonoma County Bar Association

Goal 4. Stakeholder Relations
March 4, 2004 Issue Meeting Participants

- **Billie Sivanov**, Director, Commission on Judicial Nominees Evaluation & Appointments
- **Eugene Stuart**, Committee on Sexual Orientation & Gender Identity Discrimination
- **John K. Van de Kamp**, Board of Governors
- **Mary Viviano**, Director, Legal Services Outreach
- **Richard Walker**, Advertising Representative, R. W. Walker Company, Inc.

Goal 2. Member Services
April 2, 2004 Issue Meeting Participants

- **Rebecca M. Archer**, Committee on Ethnic Minority Relations
- **Starr Babcock**, Special Assistant to the Executive Director
- **Kara Baysinger**, Chair, Committee on Group Insurance Programs
- **Kathleen Beitiks**, Web Editor, Media & Information Services
- **EJ Bernacki**, Public Information Officer, Media & Information Services
- **Dianne Bolotte**, Manager, Innovative & Effective Practices, Administrative Office of the Courts
- **Anthony P. Capozzi**, President, Board of Governors
- **Kellie M. Condon**, Lawyer Assistance Program Oversight Committee
- **Richard L. Crabtree**, Board of Governors
- **Dena M. Cruz**, Sections Task Force
- **Kevin R. Culhane**, Committee on Professional Liability Insurance
- **Jeffrey W. Erdman**, Chair, Committee on Sexual Orientation & Gender Identity
- **Randall Difuntorum**, Director, Competence Programs
- **Dina DiLoreto**, Interim Supervisor, Membership Records Supervisor, Certification
- **Gerry H. Goldsholle**, Committee on Group Insurance Programs
- **Rachel Grunberg**, Office of General Counsel
- **Cathy Hamilton**, Director, Information Services
- **Paul S. Hokokian**, Board of Governors
- **Tricia Horan**, Manager, Section Education & Meeting Services
- **Patricia Huffaker**, Manager, System Development
- **Pamela J. Jester**, Director, Continuing Education of the Bar
- **Judy Johnson**, Executive Director
- **Vivian L. Kral**, Board of Governors
- **Rodney Low**, Legal Services, Access & Fairness Programs
- **Nancy McCarthy**, Editor & General Manager, California Bar Journal
- **Lauren McCurdy**, Senior Administrative Specialist, Office of Professional Competence
- **Sharon Ngim**, Legal Services, Access & Fairness Programs
- **Kate O'Connor**, Legal Services, Access & Fairness Programs

Goal 2. Member Services
April 2, 2004 Issue Meeting Participants

- **Russell Roeca**, Board of Governors
- **Victor Rowley**, Senior Executive, Information Technology
- **Waffa Salfiti**, Senior Administrative Supervisor, Certification
- **Benjamin B. Salvaty**, Committee on Senior Lawyers
- **Dominique M. Snyder**, Vice-Chair, Committee on Professional Responsibility & Conduct
- **Jill Sperber**, Director, Fee Arbitration
- **Pat Sweeten**, Director, Executive Office Programs, Administrative Office of the Courts
- **Joe Teglovic**, Committee on Legal Professionals with Disabilities
- **Janis R. Thibault**, Director, Lawyer Assistance Program
- **Dorothy M. Tucker**, Board of Governors
- **Jack Urquhart**, Court Services Analyst, Administrative Office of the Courts
- **John K. Van de Kamp**, Board of Governors

Goal 6. Technology
April 7, 2004 Issue Meeting Participants

- **Andrew Birney**, Systems Operation Manager
- **Alan Bloom**, Senior Administrative Assistant, Fee Arbitration
- **Dianne Bolotte**, Manager, Innovative & Effective Practices, Administrative Office of the Courts
- **Cathy Booth**, Manager, Telecommunications
- **Robert Brownstone**, Fenwick & West, Practice Technology Manager
- **Resty Buenavidez**, Director, Technology Systems
- **Richard L. Crabtree**, Board of Governors
- **Phyllis Culp**, Director, Certification
- **Dina DiLoreto**, Interim Supervisor, Membership Records, Supervisor, Office of Certification
- **William Fenwick**, Fenwick & West
- **Cathy Hamilton**, Director, Information Services
- **Marie F. Hogan**, Business Law Section
- **Paul S. Hokokian**, Board of Governors
- **Tricia Horan, Manager**, Section Education & Meeting Services
- **Judy Johnson**, Executive Director
- **Matthew Kesner**, Fenwick & West, Chief Information Officer
- **Dean Kinley**, Director, Media & Information Services
- **Vivian L. Kral**, Board of Governors
- **Brian Patrick Lawlor**, Regional Counsel, Legal Services of Northern California
- **Roderick A. McLeod**, Board of Governors
- **Michael Mullen**, Technology Services Analyst Technician, Sections
- **Gayle Murphy**, Director of Administration, Admissions
- **Ken Papai**, Systems Development Manager
- **Catharine Price**, Court Services Analyst, Administrative Office of the Courts
- **Victor Rowley**, Senior Executive, Information Technology
- **Virginia Sanders-Hinds**, Applications Development Manager, AOC, Information Services Division
- **Lisa Schoonerman**, Product Development Manager, CEB
- **Rick Seabolt**, Litigation Section

Goal 6. Technology
April 7, 2004 Issue Meeting Participants

- **Russell Roeca**, Board of Governors
- **Jack Urquhart**, Court Services Analyst, Administrative Office of the Courts
- **Larry Yee**, Chief Assistant General Counsel
- **Mary Yen**, Staff Attorney, Certification
- **Gene Yoo**, System Operations Manager

Goal 5. Leadership and Accountability
June 22, 2004 Issue Meeting Participants

- **Saul Bercovitch**, Staff Attorney, Administration of Justice Committees
- **Kathleen Beitiks**, Web Editor, Media & Information Services
- **Dianne Bolotte**, Manager, Innovative Effective Practices, Administrative Office of the Courts
- **Bill Brauer**, Procurement Officer/Contract Administrator
- **Richard Carlton**, Deputy Director, Lawyer Assistance Program
- **Elyse Cotant**, Director, Member Services & Information
- **Judy Garlow**, Director, Legal Services Trust Fund
- **Robert Hawley**, Deputy Director, State Bar of California
- **Bill Lowell**, Deputy Court Executive Officer, Clerk & Jury Commissioner, San Mateo Superior Court
- **Roderick A. McLeod**, Board of Governors
- **Marie Moffat**, General Counsel, State Bar of California
- **Mike Nisperos, Jr.**, Chief Trial Counsel
- **Victor Rowley**, Senior Executive, Information Technology
- **Waffa Salfiti**, Senior Administrative Supervisor, Certification
- **Joyce Shimetz**, Director, Sonoma County Bar Association
- **Eugene Stuart**, Committee on Sexual Orientation & Gender Identity Discrimination
- **Dorothy M. Tucker**, Board of Governors
- **John K. Van de Kamp**, Board of Governors

Goal 1. Attorney Admission, Regulation, and Discipline
June 29, 2004 Issue Meeting Participants

- **Susan Arroyo**, Office of Investigations
- **David Ackerly**, Legal Aid Foundation of Los Angeles
- **Maggie Bordeaux**, Public Counsel
- **Janet M. Bowermaster**, Associate Dean, California Western School of Law
- **Jerry Braun**, Senior Executive, Admissions
- **Anthony P. Capozzi**, President, Board of Governors
- **Patsy Cobb**, Chief Assistant Court Counsel, State Bar Court
- **Dean E. Dennis**, Committee of Bar Examiners
- **Randall Difuntorum**, Director, Competence Programs
- **Scott Drexel**, Court Counsel & Administrative Officer, State Bar Court
- **Phillip Feldman**, Law Office Phillip Feldman
- **James O. Heiting**, Board of Governors
- **Hon. Thomas Hollenhorst**, Court of Appeal, 4th Appellate District
- **Doug Hull**, Administrative Specialist, State Bar Court
- **Judy Johnson**, Executive Director
- **Jessica Leavitt**, Special Assistant to the Chief Trial Counsel
- **Ronald Magnuson**, Senior Attorney, Office of the Chief Trial Counsel
- **Marie Moffat**, General Counsel
- **Victoria Molloy**, Assistant Chief Trial Counsel
- **Roderick A. McLeod**, Board of Governors
- **Gayle Murphy**, Director of Administration, Admissions
- **Mike Nisperos, Jr.**, Chief Trial Counsel
- **Paul O'Brien**, Senior Attorney, Office of Chief Trial Counsel
- **Joanne Robbins**, Karpman & Associates
- **Ellen R. Peck**, Rules Revision Commission & Former Chair of COPRAC
- **Janis Thibault**, Director, Lawyer Assistance Program
- **Dorothy M. Tucker**, Board of Governors
- **John K. Van de Kamp**, Board of Governors
- **Nancy Watson**, Assistant Chief Trial Counsel
- **Jonathan L. Wolff**, Chair, Committee of Bar Examiners
- **Russell Weiner**, Assistant Chief Trial Counsel
- **Mary Yen**, Staff Attorney, Certification
- **Rick Zanassi**, Chief Assistant General Counsel